

Message Text

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ACTION ST-01

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P R 311403Z OCT 74

FM AMEMBASSY BEIRUT

TO SECSTATE WASHDC PRIORITY 1051

INFO AMEMBASSY ATHENS

UNCLAS BEIRUT 13059

DEPT FOR OPR/ST/FIGURA FROM MILLS AND A/SY

EO 11652: N/A

TAGS: ATRN, ASEC, AFSP

SUBJECT: REPORT ON GENERAL AVERAGE DECLARATION INVOLVING

HHE, PAUL M. GLENN

1. IN CONNECTION TRANSFER PAUL M. GLENN FROM PRETORIA TO BEIRUT, TWO LIFT VANS, TOTALLING 2500 KILOS GROSS, SHIPPED FROM DURBAN TO ATHENS FOR TRANS-SHIPMENT BEIRUT. DURING SHIPMENT PIRAEUS TO BEIRUT SHIP LISTED AND DECK CARGO WAS JETTISONED. ALTHOUGH BILL OF LADING STATED GLENN CARGO PACKED BELOW DECK BOTH VANS WERE, IN FACT, ON DECK AND, EXCEPT FOR FEW LOOSE PIECES SALVAGED, ENTIRE SHIPMENT WENT OVERBOARD. GENERAL AVERAGE LOSS NOW DECLARED ON CARGO AND EACH CONSIGNEE ASSESSED 18 PERCENT VALUE OF HIS CARGO WHICH, IN GLENN'S CASE, MEANS THAT HE OWES SHIPPER APPROXIMATELY \$2500.00. HOWEVER, DUE TO TECHNICALITY THAT BILL OF LADING STATED CARGO BELOW DECK, GLENN INFORMED THAT HE NOT ELIGIBLE TO SHARE IN SETTLEMENT EVEN THOUGH HE OBLIGATED FOR ABOVE ASSESSMENT. FURTHER, SURVEYING AGENT REFUSES RELEASE THE FEW REMAINING PIECES OF SHIPMENT UNTIL ASSESSMENT IS PAID IN CASH. DUE RARITY GENERAL AVERAGE LOSSES WE WISH INFORM YOU IN DETAIL OF EVENTS TO DATE FOR YOUR REVIEW AND ADVICE.

2. OM FROM ATHENS, DATED 7 OCTOBER 1974, TRANSMITTING BILL OF LADING NUMBER 182, ISSUED BY ADAMAR SHIPPING COMPANY LTD, INDICATED GLENN CARGO SHIPPED BELOW DECKS TO BEIRUT FROM PIRAEUS ABOARD SS EVANGELISTRIA. SUBSEQUENTLY, SHIPPING AGENT BEIRUT INFORMED EMBASSY THAT EVANGELISTRIA HAD CANCELLED VOYAGE TO BEIRUT.

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EMBASSY IMMEDIATELY QUERIED EMBASSY ATHENS BY TELEGRAM TO LEARN

STATUS OF SHIPMENT.

3. TO DATE NO REPLY RECEIVED FROM EMBASSY ATHENS BUT ON 24 OCT SHIPPING AGENT BEIRUT INFORMED EMBASSY THAT TWO DAMAGED QUOTE CASES UNQUOTE OF HHE FOR PAUL M. GLENN HAD ARRIVED BEIRUT PORT ABOARD GREEK VESSEL SS SEA CALM ON 21 OCTOBER AND THAT OWNERS HAD DECLARED GENERAL AVERAGE LOSS.

4. ON 26 OCTOBER MR. GLENN AND GSO EMPLOYEE VISITED PORT TO INSPECT SHIPMENT, WHICH CONSISTED OF ONE WOODEN BOX MEASURING INCHES 32 BY 60 AND ONE PILE LOOSE GOODS SOMEWHAT SMALLER BANDED TOGETHER. GLENN NOT PERMITTED TO OPEN PACKETS TO DETERMINE CONTENTS OR DAMAGE.

5. ON SAME DATE MR. GLENN AND GSO REPRESENTATIVE MET WITH RICHARD J. SROUR, MANAGING DIRECTOR ELLIS AND BUCKLE, CHARTERED LOSS ADJUSTERS AND SURVEYORS, 409 PORT BLDG, BEIRUT, ACTING ON BEHALF SHIP OWNER, LATTER BEING GREEK NATIONAL RESIDING IN PI-RAEUS. SROUR EXPLAINED GENERAL AVERAGE LOSS AND SET CONTRIBUTION AT 18 PERCENT DECLARED VALUE ORIGINAL CARGO, AS NOTED ABOVE, STATING THAT RELEASE OF FEW ITEMS WHICH REACHED BEIRUT CONTINGENT UPON PRIOR CASH PAYMENT BY GLENN. HE STATED THAT MASTER OF VESSEL HAD REPORTED JETTISONING DECK CARGO AFTER SHIP LISTED MORE THAN TWENTYTWO DEGREES, THAT MASTER HAD AFFIRMED THAT GLENN LIFT VANS LOADED ON DECK IN CLEAN CONDITION AND THAT FEW REMAINING PIECES HAD BEEN SALVAGED FROM ONE OF VANS AS IT WAS JETTISONED. SROUR STATED, UNOFFICIALLY, THAT ONLY RECOURSE FOR GLENN IS TO PROCEED AGAINST OWNER OF VESSEL SINCE BILL OF LADING SPECIFIED VANS WERE STOWED BELOW DECK ALTHOUGH, IN REALITY, THEY WERE NOT. HE STATE IT IMPOSSIBLE TO PROVIDE GLENN WITH ANY DOCUMENTATION FOR GLENN'S INSURANCE COMPANY SINCE HE IS WORKING FOR OWNER. HE URGED THAT INSURANCE COMPANY DESIGNATE AGENT IN BEIRUT TO HANDLE CASE.

6. GLENN HAS NOTIFIED BY TELEPHONE CLAIMS OFFICER AT UNITED SERVICES AUTOMOBILE ASSOCIATION, SAN ANTONIO, TEXAS, 78288, TELEPHONE 512-824-9011 PAREN MR. RALPH SCRIBER PAREN AND HAS RECEIVED TELEGRAM FROM USAA AFFIRMING THAT HE COVERED FOR GENERAL AVERAGE PAYMENT BUT SROUR REFUSED TO ACCEPT TELEGRAM IN LIEU OF CASH. GLENN UNWILLING ADVANCE CASH UNDER CIRCUMSTANCES. HIS POLICY NUMBER WITH USAA IS 230761-52.

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7. ALTHOUGH DETAILED INVENTORY, EXCEPT FOR ITEMS UNUSUAL VALUE, NOT PREPARED AT TIME OF SHIPMENT, GLENN HAS COMPLETED INVENTORY OF MOST ITEMS WHICH APPEARS TO TOTAL DOLLARS 13 TO 14 THOUSAND AT REPLACEMENT VALUE. ALL WINTER CLOTHING WAS IN LOST SHIPMENT AND SOME HOUSEKEEPING ITEMS ALSO NEEDED BADLY. POOR QUALITY AND EXTREMELY HIGH PRICES PREVAILING IN BEIRUT MAY REQUIRE TRAVEL ELSEWHERE TO BUY CLOTHING, SOME APPLIANCES.

8. EMBASSY INTENDS CONTINUE WORKING WITH STEAMSHIP AGENT AND SURVEYOR TO PROTECT MR. GLENN'S RIGHTS BUT HIGHLY INVOLVED MARITIME LAW PROCEDURE, AS INTERPRETED IN LEBANON, MOST DIFFICULT TO MANAGE. EMBASSY THEREFORE WOULD APPRECIATE GREATLY OPR/ST REVIEWING ABOVE CAREFULLY AND PROVIDING TELEGRAPHIC GUIDANCE ON HOW TO PROCEED. EMBASSY AWARE OF FAM PROVISION FOR INDIVIDUAL CLAIMS BUT CONSIDERS FIRST PRIORITY TO EFFECT RELEASE OF WHATEVER GOODS REMAIN TO ALLEVIATE FINANCIAL BURDEN TO MR. GLENN.

9. IN ORDER TO EXPEDITE ASSISTANCE FROM GLENN'S INSURANCE COMPANY, REQUEST YOU RETRANSMIT THIS TELEGRAM TO USAA AT SAN ANTONIO.
GODLEY

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